

# HOUSE BILL No. 1188

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 11-12-4-2.

**Synopsis:** Jail inspections. Requires the department of correction (DOC) to inspect each county jail at least one time each year. Provides that the DOC commissioner may recommend that a grand jury be convened to tour and inspect a county jail, if the jail is noncompliant for at least six months.

**Effective:** July 1, 2002.

**Sturtz**

January 10, 2002, read first time and referred to Committee on Judiciary.

C  
o  
p  
y



Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## HOUSE BILL No. 1188

---

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 11-12-4-2 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) The department  
3 shall inspect each county jail at least ~~semiannually~~ **one (1) time each**  
4 **year** to determine whether it is complying with the standards adopted  
5 under section 1 of this chapter. If the department determines that a jail  
6 is not complying with the standards, the commissioner shall give  
7 written notice of this determination to the county sheriff, the board of  
8 county commissioners, the prosecuting attorney, the circuit court, and  
9 all courts having criminal or juvenile jurisdiction in that county. This  
10 notice must specify which standards are not being met and state the  
11 commissioner's recommendations regarding compliance.  
12 (b) If after six (6) months from the date of the written notice the  
13 department determines that the county is not making a good faith effort  
14 toward compliance with the standards specified in the notice, the  
15 commissioner may:  
16 **(1)** petition the circuit court for an injunction prohibiting the  
17 confinement of persons in all or any part of the jail, or otherwise

2002

IN 1188—LS 6691/DI 105+



C  
o  
p  
y

1 restricting the use of the jail; or

2 **(2) recommend, in writing, to the prosecuting attorney and**  
3 **each court with criminal or juvenile jurisdiction that a grand**  
4 **jury be convened to tour and examine the county jail under**  
5 **IC 35-34-2-11.**

6 (c) Upon receipt of notice by the commissioner that the jail does not  
7 comply with standards adopted under section 1 of this chapter, the  
8 sheriff may bring an action in the circuit court against the board of  
9 county commissioners or county council for appropriate mandatory or  
10 injunctive relief.

C  
o  
p  
y

